

SEC. 4. COMPLIANCE WITH ENVIRONMENTAL AUTHORITIES.**(a) DOCUMENTATION OF EXISTING CONDITIONS.—**

(1) IN GENERAL.—Within 60 days after the date of enactment of this Act, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, all reasonably ascertainable documentation and information that exists on the environmental condition of the land comprising the Center.

(2) ADDITIONAL DOCUMENTATION.—The U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, with any additional documentation and information regarding the environmental condition of the Center as such documentation and information becomes available.

(b) ACTIONS REQUIRED.—

(1) ASSESSMENT.—Within 120 days after the date of enactment of this Act, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, an assessment, consistent with ASTM Standard E1527, indicating what action, if any, is required on the Center under any Environmental Authorities.

(2) MEMORANDUM OF AGREEMENT.—If the findings of the environmental assessment indicate that action is required under applicable Environmental Authorities with respect to any portion of the Center, the Forest Service and the U.S. Fish and Wildlife Service shall enter into a memorandum of agreement that—

(A) provides for the performance by the U.S. Fish and Wildlife Service of the required actions identified in the environmental assessment; and

(B) includes a schedule for the timely completion of the required actions to be taken as agreed to by U.S. Fish and Wildlife Service and Forest Service.

(c) DOCUMENTATION OF ACTIONS.—After a mutually agreeable amount of time following completion of the environmental assessment, but not exceeding 180 days from such completion, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, with documentation demonstrating that all actions required under applicable Environmental Authorities have been taken that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on the Center.

(d) CONTINUATION OF RESPONSIBILITIES AND LIABILITIES.—

(1) IN GENERAL.—The transfer of the Center and the requirements of this section shall not in any way affect the responsibilities and liabilities of the U.S. Fish and Wildlife Service at the Center under any applicable Environmental Authorities.

(2) ACCESS.—At all times after the date of enactment of this Act, the U.S. Fish and Wildlife Service and its agents shall be accorded any access to the Center that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) NO LIABILITY.—The Forest Service shall not be liable under any applicable Environmental Authorities for matters that are related directly or indirectly to activities of the U.S. Fish and Wildlife Service or the Department of Labor on the Center occurring on or before the date of enactment of this Act, including liability for—

(A) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601, et seq.) at or related to the Center; or

(B) costs, penalties, fines, or performance of actions related to noncompliance with applicable Environmental Authorities at or related to the Center or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the Center, including contamination resulting from migration.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Except as provided in paragraph (3), nothing in this title affects, modifies, amends, repeals, alters, limits or otherwise changes, directly or indirectly, the responsibilities or liabilities under applicable Environmental Authorities with respect to the Forest Service after the date of enactment of this Act.

(e) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations at the Center resulting in the violation of an environmental authority shall be responsible for all costs associated with corrective actions and subsequent remediation.

SEC. 5. PERSONNEL.**(a) IN GENERAL.—**

(1) EMPLOYMENT.—Notwithstanding section 3503 of title 5, United States Code, the Forest Service will accept the transfer of eligible employees at their current pay and grade levels to administer the Center as of the date of enactment of this Act.

(b) TRANSFER-APPOINTMENT IN THE FOREST SERVICE.—Eligible employees will transfer, without a break in Federal service and without competition, from the Department of the Interior, U.S. Fish and Wildlife Service, to the Department of Agriculture, Forest Service, upon an agreed date by both agencies.

(c) EMPLOYEE BENEFIT TRANSITION.—Employees of the U.S. Fish and Wildlife Service who transfer to the Forest Service—

(1) shall retain all benefits and/or eligibility for benefits of Federal employment without interruption in coverage or reduction in coverage, including those pertaining to any retirement, Thrift Savings Plan (TSP), Federal Employee Health Benefit (FEHB), Federal Employee Group Life Insurance (FEGLI), leave, or other employee benefits;

(2) shall retain their existing status with respect to the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS);

(3) shall be entitled to carry over any leave time accumulated during their Federal Government employment;

(4) shall retain their existing level of competitive employment status and tenure; and

(5) shall retain their existing GM, GS, or WG grade level and pay.

SEC. 6. IMPLEMENTATION COSTS AND APPROPRIATIONS.

(a) The U.S. Fish and Wildlife Service and the Forest Service will cover their own costs in implementing this Act.

(b) There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

CONVEYANCE TO FRESNO COUNTY, CALIFORNIA, OF THE EXISTING FEDERAL COURTHOUSE IN THAT COUNTY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate

proceed to the consideration of Calender No. 408, H.R. 1274.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1274) to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAPO. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1274) was read the third time and passed.

ORDERS FOR WEDNESDAY, APRIL 21, 2004

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, April 21. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders, the Senate then begin a period for morning business for up to 60 minutes, with the majority leader or his designee in control of the first 30 minutes, and the Democratic leader or his designee in control of the final 30 minutes; provided that following morning business, the Senate resume consideration of the motion to proceed to S. 2290, the asbestos bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAPO. Mr. President, tomorrow, following morning business, the Senate will resume debate on the motion to proceed to the asbestos bill. The majority leader is hoping to find a way to begin consideration of the asbestos litigation. However, the cloture vote on the motion to proceed to the bill will occur Thursday, unless an agreement is reached during the interim.

Also, as a reminder, the Senate will conduct a cloture vote on the motion to proceed to the victims' rights amendment this week as well. Again, the majority leader has been working on an agreement to begin consideration of the victims' rights amendment. However, this procedural vote will be necessary unless that consent is granted.

ORDER FOR ADJOURNMENT

Mr. CRAPO. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under

the previous order, following the remarks of Senator DURBIN.

Mr. REID. Senator DURBIN will speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT

Mr. DURBIN. Mr. President, I come to the floor this evening to address the pending issue of asbestos reform legislation. It is a very serious and complicated issue. I look forward to speaking for a few moments about what I consider to be the history of this issue and the way we should respond to it.

Before doing so, I am compelled to address the previous speaker, my colleague and friend from the State of Texas, Senator CORNYN, who, within the last hour or so, spoke on this floor about the PATRIOT Act. The reason why this is an issue of great importance to many of us is that it is a law which all but one Senator voted for, and it is a law which many of us, on both sides of the aisle, Democrat and Republican, believe has some serious weaknesses and flaws that need to be remedied.

In response, I have introduced a bill called the SAFE Act with Senator LARRY CRAIG of Idaho. Senator CRAIG and I are about as far apart on the political spectrum as humanly possible. Yet we have come together with the understanding that whether you are conservative or progressive liberal—whatever your label may be—we all value our constitutional rights in America.

Senator CRAIG and I looked closely at the PATRIOT Act and think that there are three or four specific areas that need to be addressed.

However, President Bush wants to keep the PATRIOT Act as it is, making it permanent law, and change some provisions to give the Government even more power and further reduce judicial oversight. He has chosen to make this one of the bedrocks of his campaign for reelection. My friend from Texas, Senator CORNYN, and the President have made an issue over differences that they have with Senator JOHN KERRY on this issue.

I call the attention of the President and his supporters to the fact that the SAFE Act, which we brought to the floor, enjoys bipartisan sponsorship. In fact, when we had the press conference announcing the changes we proposed for the PATRIOT Act, we were joined by some of the most liberal and the most conservative organizations in Washington.

Rarely do they come together. But on the issue of civil rights and constitutional rights, we finally find common ground. Yet the President sees it differently, and Senator CORNYN as well.

A little history is worth noting at this moment. We all remember September 11, 2001, and what happened, the fear we had that another attack might be imminent, and because of the belief that the Government needed additional tools and weapons to fight terrorism, there was a bipartisan effort between Congress and the White House to write a bill giving our Government more authority and more power to deal with terrorism, changes in the law which were long overdue to deal with modern technology and the scope of the terrorist threat.

The bill was debated on a bipartisan basis and passed the Senate and the House with overwhelming numbers of support. We understood as well that September 11, 2001, was a unique moment in American history and that our response was not only to the terrible tragedy of September 11 but also to many of the fears which were welling in the breasts of every American family. Because of our concern that this fear and emotion may have taken us too far in the PATRIOT Act, we put in an insurance policy. We said, after a period of time, after a few years, we are going to come back and look at many elements of this law. We are not going to make it permanent forever. We will come back after a few years and decide whether we went too far.

In the heat of the moment with the fear of September 11, did we give the Government more power than was necessary to protect us? Did we endanger or in any way lessen our constitutional protections more than necessary? So this review provision, this sunset clause, was just basically common sense.

The President has chosen this as one of his areas of attack, and his argument yesterday was, why do we need to review this law? Is the threat of terrorism gone now?

I think the President does not understand why this sunset provision was put in the law. I am certain we will decide that the majority of the elements of the PATRIOT Act are still necessary, but that does not mean that every word in that act should be treated like the Ten Commandments. We need to take that act and honestly ask whether it was done in the heat of the moment, whether too much authority was given to the Government, and whether we have infringed basic liberties and rights which we are here to protect.

The President and Senator CORNYN seem to argue that it is the burden of the citizens of America to come forward and explain why their rights should not be taken away by the Government. I think they are both totally wrong. It is the burden of the Government to announce and rationalize why

any individual rights of American citizens should ever be taken away. These God-given rights, as we refer to them in the Declaration of Independence and the Constitution, are basically ours by virtue of our human existence. For any government to take them away, there must be a compelling reason.

The PATRIOT Act gets to the issue of privacy and freedom versus security and government control. We recognized in the PATRIOT Act the need for the government to monitor the new powers carefully. The 4-year sunset provision will force Congress and the administration to honestly look at the PATRIOT Act and see if we have gone too far.

Some provisions expire at the end of 2005. None of them expire at the end of this year. So there is no need to reconsider the PATRIOT Act this year. This has a lot more to do with an election in November than the act itself. If nothing is done by Congress, the Government will continue to have all of its authority under the PATRIOT Act through this year and into next year.

We wanted to keep the review of the PATRIOT Act out of election year politics, and that is why the sunset was 2005. Sadly, the Bush administration and their supporters in Congress want to put the PATRIOT Act on the 50-yard line, right in the middle of this titanic gridiron battle between the two political parties for the Presidency. That is unfortunate. The issues of security for America—stopping terrorism—should not be politicized this year. I hope they will not be, but sadly that is what is happening.

Think of this for a moment: The President and the White House threatened to veto the reform bill which Senator CRAIG and I have introduced, the bipartisan SAFE Act, even before it was heard in committee, even before there was an attempt to amend it, even before there was a vote in either the Senate or the House. It is rare, if not unprecedented, for the President and White House to threaten a veto on a bill so soon after it has been introduced. It shows me that the President is raising this bill to such a high profile in an effort to make it a central part of a political campaign, rather than focusing on protecting America.

During the course of his campaign, Senator KERRY said that in his first 100 days as President he wants to end the era of John Ashcroft. JOHN KERRY has promised to strengthen terrorism laws that work, strengthen money laundering laws to end funds for terrorists, improve information gathering and protect the basic rights and liberties of all of our citizens.

Senator KERRY and I support the SAFE Act, this bipartisan effort to reform the PATRIOT Act. Here are several of the most important provisions: It will protect innocent people from Government snooping by eliminating John Doe roving wiretaps, which do not identify the person or place being tapped. It requires warrants for roving wiretaps to identify either the target